

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-5, 7, 8, 10-31, 33, 34, and 36-66 are pending in this application, with claims 1, 51, 52, 53, 65 and 66 being independent. Claims 11-28, 51 and 52 have been withdrawn from consideration. Independent claim 1 is sought to be amended by this paper. New independent claims 65 and 66 are sought to be added. Applicants submit that the amendment to claim 1, as well as the subject matter of new claims 65 and 66, introduce no new matter into the application. Their entry is, therefore, respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Examiner Interview

Applicants wish to acknowledge and thank the Examiner for the courtesy extended to their representatives during the personal interview conducted on December 16, 2005. The Interview Summary (a copy of which was given to Applicants' representatives at the conclusion thereof) appears to accurately reflect the substance of the personal interview.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1, 3-7, 10, 34 and 36-38 under 35 U.S.C. §103(a) as being anticipated by European Patent Application No. 0 036 822 to LeGrand

("the LeGrand application") in view of U.S. Patent Application Publication No. US 2001/0000639 A1 to Park *et al.* ("the Park publication"). With respect to independent claim 1, the Examiner has taken the position that the seating unit of the LeGrand application is for use in rail, road, air and sea public transit vehicles, and that it teaches all of the limitations of claim 1, with the exception of a back portion and a seating portion moveable to a fully reclined position in which the seating portion and the back portion form a flat surface. According to the Examiner, the Park publication teaches the use of a seat with a back portion and a seat portion that are moveable to a fully reclined flat position as disclosed in Figure 3. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to modify the seat reclining mechanism of the LeGrand application to allow for positioning of the seating unit to a fully flat position, as taught by the Park publication, to improve the comfort of the seat occupant by providing a seat that converts to a bed.

Independent claim 1, as hereby amended, calls for an *aircraft* seating unit comprising a pair of seats facing in opposite directions with each seat comprising a seating space for receiving the seated body of an occupant and an extension space for the legs of the occupant. The seats are positioned along each side of a longitudinal axis with the seating space of one seat extending over the longitudinal axis at the extension space of the other seat. Either one of the seats has a seat axis substantially parallel to the longitudinal axis. Each seat has a back portion and a seating portion. The seating portion is movable with the back portion to allow the back portion to move between an upright position that is substantially perpendicular to the floor of an aircraft and a fully reclined position in which the seating portion and the back portion form a flat surface.

Applicants respectfully disagree that the combination of references cited by the Examiner renders obvious the invention of amended independent claim 1. First, Applicants submit that one of ordinary skill in the art of *aircraft seating units* would not have been motivated to combine the teachings of the LeGrand application (specific to high-density, tiered berths for use in a railway car) with the disclosure of the Park publication. Regulatory standards for aircraft seating units are both numerous and complex to ensure passenger safety. To combine the teachings of the LeGrand application (for use in a train) with any another disclosure, including the Park publication, would conflict with such regulations and simply confound one of ordinary skill in the art. For example, aircraft manufacturers are required to provide tracks along the aircraft cabin floor to which all seats must be attached. Aircraft seats are designed to fit within these tracks, while simultaneously meeting other safety requirements and comfort/privacy considerations. An aircraft seating artisan would not have been motivated to consider the teachings of the LeGrand application, as the structure thereof fails to meet the relevant requirements, and any modifications thereto would give rise to undesirable cost and regulatory compliance issues.

Moreover, there is nothing in the disclosure of either the LeGrand application or the Park publication that would motivate one of ordinary skill in the art to combine the two. The LeGrand application is concerned with providing a multiplicity of elongate berths having a reclined or couched profile in a compartment of a railway carriage. The LeGrand application is particularly concerned with providing the maximum number of berths in a compartment and achieves this by arranging the berths in elongated tiers or levels. The LeGrand application puts particular emphasis on the construction of the

berths being such as to reduce the thickness from 5 cm to 3 cm, the cumulative effect of which is to allow the creation of a fifth level. *See* page 4, lines 15 to 32 of the previously provided translation. It is thus a critical part of the teaching of the LeGrand publication that the vertical space occupied by each berth (in any position) is minimized. A savings of just 20 cm provides this advantage. Applicants submit that this advantage would be entirely lost if the berths of the LeGrand application were made movable to an upright position, as disclosed by the Park publication. Such movement would necessitate increase of the distance between berths (entirely negating the 2 cm per couch savings) and would likely result in the removal of a least one tier or level. As a result, modification of a LeGrand berth to move to a fully upright position would be entirely contrary to the teachings of the LeGrand application, and would destroy the invention of the same.

Moreover, as shown in Figures 3, 11 and 12 of the LeGrand application, the berths are supported at their ends in the manner of a hammock. Applicants submit that this structure simply cannot provide movement of the back of the seating unit between an upright position and a fully reclined position, as recited in amended independent claim 1, and it is not clear how the berth arrangement could be modified to provide such positions (by the Park publication or any other reference), without destroying the invention of the LeGrand application.

Because any modification of the LeGrand application, as suggested by the Examiner, would destroy the invention thereof, Applicants submit that combination of references is not proper.

Turning to the amendment of independent claim 1, the claim now calls for a seat comprising a back portion and a seating portion, said seating portion being movable with the back portion to allow the back portion to move between an upright position that is substantially perpendicular to the floor of an aircraft and a fully reclined position in which the seating portion and the back portion form a flat surface. Applicants submit that the berth of the LeGrand application could not be modified such that back portion of the berth is *substantially perpendicular to the floor of the railway carriage when in an upright position*, as claimed, and as arguably taught by the Park patent, as such a modification would destroy the invention of the LeGrand application. As discussed above, the objective of the LeGrand application is to provide a railway carriage with five tiers or levels of reclined, sleeping berths. To enable the back receiving portions of the berths to be movable to an upright position such that they are substantially perpendicular to the floor of the railway carriage would require that the distance between berths be increased, thereby decreasing the total number of berths accommodated by the carriage. Such a modification is totally contrary to the objectives of the LeGrand application and would also destroy the same by decreasing the number of total berths. Moreover, the hammock like arrangement of the berths would not permit movement of the back portion to a fully upright position substantially perpendicular to the floor, as claimed.

Because the LeGrand application and Park publication cannot be properly combined, Applicants submit that independent claim 1, as well as the claims that depend therefrom are patentable. Reconsideration and withdrawal of the rejection under Section 103(a) is therefore respectfully requested.

Claim 2 (which depends from claim 1) has been rejected under 35 U.S.C. §103(a) as being unpatentable over the LeGrand application, in view of the Park publication and further in view of U.S. Patent No. 2,480,322 to Cozzoli (the Cozzoli patent). The Examiner has taken the position that the LeGrand application and Park publication disclose the limitations of claim 2 with the exception of the seats facing in forward and aft positions. For the same reasons that the LeGrand application and Park publication cannot be properly combined, as argued above with respect to claim 1, Applicants submit that the same cannot be properly combined with each other (and still another reference) to reject dependent claim 2 under Section 103(a). Applicants, therefore, submit that claim 2 is patentable, and respectfully request reconsideration and withdrawal of the rejection.

Claims 8, 29, 30 and 33 (all of which depend either directly or indirectly from independent claim 1) have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the LeGrand application, in view of the Park publication and further in view of PCT Publication No. WO 98/36967 to Park ("the Park PCT publication"). The Examiner has taken the position that the LeGrand application and Park publication teach the subject matter of the claims, with the exception of a secondary unit and an in-flight entertainment unit. For the same reasons that the LeGrand application and Park publication cannot be properly combined, as argued above with respect to claim 1, Applicants submit that the same cannot be properly combined with each other (and still the Park PCT publication) to reject claims 8, 29, 30 and 33. Applicants, therefore,

submit that the subject claims are patentable and respectfully request reconsideration and withdrawal of the rejection.

Finally, claim 31 (which also depends indirectly from claim 1) has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the LeGrand application, in view of the Park publication, the Park PCT publication, and U.S. Patent No. 6,102,476 to May *et al.* The Examiner has taken the position that the combination of the first three teach the claimed subject matter with the exception of a computer power point, an audio output jack or a condition indicator. For the same reasons that the LeGrand application and Park publication cannot be properly combined, as argued above with respect to claim 1, Applicants submit that the same cannot be properly combined with each other (and still the May patent) to reject claim 31. Applicants, therefore, submit that the subject claims are patentable and respectfully request reconsideration and withdrawal of the rejection.

Other Matters

The Examiner has indicated that claims 39-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants have amended claim 1 by this paper to remove the rejection under Section 103(a). Claims 39-50 are believed to be patentable by virtue of their dependency on independent claim 1.

The Examiner has indicated that claims 53-64 are allowable. Applicants acknowledge and thank the Examiner for this indication of allowance.

New independent claims 65 and 66 have been added by this paper. Independent claim 65 is identical to formerly pending independent claim 1, except that it now calls for the claimed pair of seats (2a; 2b) to be *directly mounted to the floor of an aircraft cabin*. Applicants submit that the claimed subject matter is neither anticipated by, nor obvious in view of, the art of record. Moreover, in the personal interview, the Examiner indicated that such a limitation appears to be patentable over the references applied to claim 1, as any modification of the berths of the LeGrand application to mount them to the floor of the railway carriage would be against the teachings of the LeGrand application and destroy the invention of the same.

New independent claim 66 is identical to formerly pending independent claim 1, except that it now calls for each seat comprising a side wall (6b; 16b) having a side wall axis, and either of the seats (2a; 2b) having a seat axis substantially parallel to the longitudinal axis and the side wall axis of the seat. In the personal interview, the Examiner indicated that such a limitation appears to distinguish the LeGrand application, as the alleged seat axis of the LeGrand berth cannot be parallel to both the longitudinal axis and side wall axis of the same.

An indication of allowance of both new claims 65 and 66 is respectfully requested.

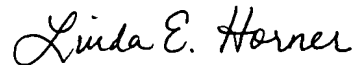
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Linda E. Horner
Attorney for Applicants
Registration No. 39,588

Date: December 27, 2005

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

479559v1